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Report of the International Law Commission on the work of its fifty-first session

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Programme budget implications of revised draft resolution A/C.6/54/L.7/Rev.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the revised draft resolution

1. By operative paragraphs 10 and 11 of revised draft resolution A/C.6/54/L.7/Rev.1, the General Assembly would:

(a) Decide, without prejudice to any future decision, that the next session of the International Law Commission will be held in the United Nations Office at Geneva from 1 May to 9 June and from 10 July to 18 August 2000;

(b) Request the Commission to implement arrangements in accordance with paragraph 639 of its report.[1]

B. Background

2. Pursuant to the request by the General Assembly in its resolution 53/206 of 18 December 1998, the International Law Commission examined the advantages and disadvantages of holding split sessions as of 2000. The Commission, at its fifty-first session,

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 10* and corrigenda (A/54/10 and Corr.1 and 2).

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expressed the view that a split session would allow intra-sessional preparation to be carried out in a way that would make the second part of a split session more productive and cited several examples to support that view.[2]

3. The Commission also expressed the view that splitting the session would increase attendance and thus contribute to the original benefit perceived to flow from the nature of the Commission as a non-full-time responsibility for the members, and that past experience in 1998 with a split session supported that view.[3]

4. The Commission pointed out that any cost increase flowing from a split session should be more than offset, by way of results-based analysis, by increased productivity and that cost savings could be achieved by reorganizing the work programme of a split session, so that one or two weeks at the end of the first part of the session and/or the beginning of the second part of the session could be devoted exclusively to the meetings which require the attendance of limited numbers of the members of the Commission. It also stated that it would put such arrangements into effect in 2000.[4]

C. Relationship of the proposed requests to the medium-term plan for the period 1998-2001 and to the proposed programme of work for the biennium 2000-2001

5. The above-mentioned request of the Assembly relates to activities in subprogramme 3, Progressive development and codification of international law, of programme 4, Legal affairs, and to programme 27, General Assembly and Economic and Social Council Affairs and Conference Services, of the medium-term plan for the period 1998-2001 and to section 8, Legal affairs, and section 2, General Assembly affairs and conference services, of the proposed programme budget for the biennium 2000-2001. No modifications to those programmes would be necessary as a result of the activities requested in the draft resolution.

D. Additional requirements for the biennium 2000-2001

6. A provision has been made in the proposed programme budget for the biennium 2000-2001 for the convening of two 12-week sessions at Geneva, one session in 2000 and one in 2001. The requirements for honoraria and travel for members of the Commission, and travel of Secretariat staff for the two 12-week sessions at Geneva were estimated at $1,961,200.

7. Should the General Assembly adopt the revised draft resolution, the Commission will hold a 12-week split session at Geneva from 1 May to 9 June and from 10 July to 18 August 2000. The holding of a split session would result in additional costs for travel of the Chairman and members of the Commission ($90,000) and travel and subsistence for members of the Secretariat ($15,230).

[2] Ibid., para. 636.
[3] Ibid., para. 637.
[4] Ibid., para. 639.

E. Potential for absorption

8. Substantive servicing of two 12-week sessions of the International Law Commission has been included in the proposed programme budget for the biennium 2000-2001. There is no provision, however, for the additional requirements related to the convening of two split sessions.

9. With regard to conference-servicing requirements, the proposed programme budget for the biennium 2000-2001 includes provision, not only for meetings already in the calendar of conferences, but also for meetings to be added at a subsequent stage by decision of the General Assembly, provided that the number and distribution of meetings is consistent with the pattern in previous years. On this basis, it is anticipated that no additional resources would be required for the provision of conference services for the Commission.

F. Contingency fund

10. It will be recalled that, under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under the same procedure, if proposed additional expenditures exceed resources available from the contingency fund, those activities can be implemented only through redeployment of resources from low-priority areas or modification of projected activities. Otherwise such additional activities will have to be deferred until a subsequent biennium. A consolidated statement of all programme budget implications and revised estimates will be submitted to the Assembly towards the end of its current session.

G. Summary

11. Accordingly, should the General Assembly adopt revised draft resolution A/C.6/54/L.7/Rev.1, an additional amount of $105,230 would be required under section 8, Legal affairs, of the proposed programme budget for the biennium 2000-2001.